

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14591 of Paul R. and Holly K. Fine, pursuant to Paragraph 8207.11 (3107.2 DCMR 11) of the Zoning Regulations, for variances from the rear yard requirements (Sub-sections 3304.1, 404 DCMR 11) and from the side yard requirements (Sub-section 3305.1, 405.9 DCMR 11) to permit a proposed addition to a single family dwelling in an R-1-B District at premises 2300 Chain Bridge Road, N.W., (Square 1413, Lot 79).

HEARING DATE: May 20, 1987

DECISION DATE: June 3, 1987

FINDINGS OF FACT

1. The site, known as premises 2300 Chain Bridge, N.W., is located on the north side of Chain Bridge Road near its western terminus and south of its intersection with the Dalecarlia water main right-of-way. The site is located in an R-1-B District.
2. The site is irregularly shaped and has a lot area of 7,552.46 square feet. The site is improved with a three story brick single family detached residence. A steep drop and rivulet are located at the southern edge of the site. A very steep drop is also located to the front and rear of the site.
3. The R-1-B District extends in all directions from the site. The surrounding neighborhood is developed with single family detached homes. The site is bordered on the north by Palisades Park and federal park land to the south.
4. Pursuant to Paragraph 8207.11 of the Zoning Regulations the Applicants are seeking variances from the rear yard and side yard requirements to construct a 416.55 square foot addition at the northern edge of the property, the only level area of the site suitable for the addition.
5. The addition will comprise one room plus a small laundry room.
6. The addition will not be noticable from the street.
7. The structure, including the addition, will have an area of 2,237.01 square feet. The lot occupancy allowed for the site is 3,020.98 square feet.

8. A representative of ANC 3-D testified at the public hearing in opposition to the application on the grounds that the addition would be too close to the park land. The Board does not concur.
9. Numerous letters from neighboring property owners were submitted to the record in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the Applicants are seeking area variances the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan. Sub-section 3305.1 of the Zoning Regulations requires a side yard setback of eight feet. The Applicants propose to provide a side yard of 1.5 feet requiring a variance of 6.5 feet or 81.25 of percent. Sub-section 3304.1 requires that a rear yard of 25 feet be provided for the site. The construction of the addition will provide a rear yard with an average depth of 18 feet necessitating a variance of seven feet or 28 percent.

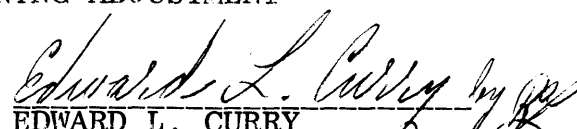
The Board concludes that the Applicants have met the burden of proof. The site is affected by unique topographical conditions in that very steep slopes exist on three sides of the existing structure. The addition will be located on the site's only buildable level area. The structure will not be built to the maximum lot occupancy and the addition will not be obtrusive to neighboring properties or from the street. Therefore granting the proposed relief will comply with Paragraph 8207.11 of the Zoning Regulations.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 7 of the record.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant; Patricia N. Mathews to grant by proxy)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY

Acting Executive Director

AUG 26 1987

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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